

Dear Colleague,

Your weekly Law Society update 1st October 2018

As the professional body for solicitors, every week the Law Society is working hard to influence the legal and regulatory environment on behalf of our profession and to promote solicitors at home and abroad. We support practice excellence, are an informed source of legal sector news and support members at every stage of their career.

Here are some highlights from our work this week.

Influencing on behalf of the profession and promoting the profession

The Law Society's media profile last week:

[Legal Futures](#) reports how the Legal Services Board (LSB) has received unprecedented lobbying against the Solicitors Regulation Authority's (SRA) plans for revisions to the handbook which would allow solicitors to practise from unregulated businesses. The LSB is currently considering the SRA's proposals. The Law Society, which has consistently opposed the move, has lobbied the LSB directly to reject it, and the LSB revealed that it has received a further 128 submissions, most of them backing the Law Society's point of view.

Car insurance premiums are expected to fall next year as insurers react to government action to stop dubious whiplash claims, it was claimed in the [Sunday Telegraph](#), Business, p.10-11. I'm quoted: "The Law Society has consistently warned that the proposed changes to the rules for personal injury claims will create the paradox that someone hurt in a road traffic accident will be entitled to less compensation under the new proposed tariff system than if they had sustained the injury another way."

Brexit may be keeping lawyers busy as businesses prepare their contingency plans, but it could come to have a detrimental impact on their firms' health, the Law Society has warned. Vice president Simon Davis told a meeting at Labour's annual conference that the 'economic health of lawyers depends on the economic activity of clients'. Report in the [Gazette](#)

Also at Labour conference, shadow justice secretary Richard Burgon pledged to build more law centres if his party wins power. He told a fringe event that his party will 'return legal aid to be a pillar of the welfare state and properly support law centres as engines of empowerment for working-class communities. Mr Burgon also said the Law Society's warning that criminal legal aid solicitors were in danger of extinction was a 'time bomb on its way'. Details in the [Gazette](#) and the [Times](#) (£)

The government's delay in making good on its £15m promise if barristers ended their boycott of new legal aid work is 'completely unacceptable', the head of the criminal bar has said. Last week the Law Society said the ministry's offer doesn't appear to add up. The Society said the ministry's impact assessment shows the proposals amounts to £15m, including VAT, based on the 2016-17 case mix information. When applying the 2017-18 data, the proposals amount to £8.6m. Full report in the [Gazette](#). More coverage in the [Times](#) (£).

Don't miss the [FT](#)'s (£) in depth report on the plight of the legal aid system which drew a lot on information from the Law Society.

Meanwhile we warned the government that public access to the justice system "has never been so restricted" owing to cuts to the civil legal aid budget.

The Law Society made that claim in its submission to the government's review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which significantly curtailed access to state funded legal advice.

We warned: "Working people on low incomes accused of wrongdoing are being systematically denied their right to a fair trial, because they are not being provided with representation when they clearly cannot afford to pay for it themselves."

And we added that cuts to legal aid eligibility and the scheme's budget are to blame for a lack of young lawyers entering fields of law covered by state funding.

Report in the [Times](#) (£)

BBC bulletins on Friday highlighted our concerns with the impact of the legal aid means test. Our research shows working people on minimum wage are having to choose between going into poverty to access legal representation or representing themselves. The research was reported on BBC Radio 4 and BBC Breakfast TV around the country.

James Love, who recently stepped down from the IP law committee spoke to BBC Essex about the nuances of trademark law, after an Essex dance teacher named her troupe Strictly Curved. You can listen [here](#), the clip begins at 4:27.

Don't forget you can read all Law Society press releases by clicking on this [link](#). For live updates follow us on [Twitter](#).

Consultation responses and parliamentary activity, influencing on behalf of the profession:

Justice

Following our demand for more data from the LAA to help us understand the implications of the Advocates Graduated Fee Scheme proposals, the LAA published further data and analysis on 21st September, and extended the consultation deadline by two weeks from 28th September to 12th October.

Richard Miller, head of justice, joined me for a meeting with Susan Acland-Hood, CEO of HM Courts and Tribunals Service, to discuss the reform programme.

I hosted a round table event with pro bono specialists and third sector organisations to discuss the development of "secondary specialisation", whereby pro bono lawyers develop sufficient expertise to be able to see cases through to conclusion, rather than just delivering initial advice.

We met representatives from the Royal Borough of Kensington and Chelsea on behalf of our Grenfell Lawyers Forum, to discuss practical and legal issues our members and their clients are facing in relation to their housing needs, and the Council's general responsibilities towards residents.

Public and Criminal Law

We were represented at the Director of Public Prosecution's second seminar on disclosure, reviewing the progress of the National Disclosure Improvement Plan. We submitted our response to the Crown Prosecution Service's consultation on revisions to its Code for Crown Prosecutors, primarily around disclosure obligations. We attended a meeting of the Mental Health Act Review advisory panel at the Royal College of Psychiatrists.

Labour party conference

Our work on access to justice featured heavily in 'the future of justice' fringe event jointly hosted by the Law Society, the Bar Council and the Society of Labour Lawyers on the Sunday of conference. Shadow lord chancellor Richard Burgon supported our call for a review of the sustainability of the criminal legal aid system and used many of our access to justice campaign arguments in his speech.

We hosted a private dinner for key stakeholders in the legal sector on the Sunday. The dinner was well attended, and a frank and supportive discussion took place on issues in the justice sector, including around regulation, the criminal justice system, access to justice, AI and technology, and the impact of Brexit on the legal services sector.

Vice president Simon Davis warned about the impact of declining economic activity on the legal and financial services sector when the UK leaves the EU at a fringe event on Brexit and financial services on Monday morning.

Simon highlighted underfunding in the criminal justice system and shared our research on the looming crisis in the numbers of criminal duty solicitors at a reception for young Labour lawyers.

Concerns on the court modernisation programme were shared by leading stakeholders in the justice system at a fringe event organised by JUSTICE and the Society of Labour Lawyers and co-hosted by the Law Society, at which Simon spoke.

I hosted a dinner discussion at Carey Street on judicial diversity. Attendees included the chancellor of the High Court, senior solicitor judges and the chair of the judicial appointments committee.

Our influencing work internationally:

On 25 September, the Brussels office and the European Policy Centre jointly organised a breakfast meeting on Data Protection and Brexit. Panellists were Alistair Robinson, first secretary from UK Permanent Representation; Peter Wright, director, Digital Law UK and chair of the GDPR Working Group, Law Society of England and Wales and Chris Gow, EU Public Policy Director from CISCO. The meeting was introduced by Helena Raulus, head of Brussels office and moderated by Fabian Zuleeg, CEO and chief economist, EPC. 90 people attended.

Also on 25 September, the Brussels office hosted an event, organised by the British Chamber of Commerce, with Lucy Frazer QC MP, justice minister on EU-UK civil judicial cooperation
On 26 September, the Brussels team attended a breakfast briefing on the UK's preferred approach to civil judicial cooperation after the UK's exit from the EU with Lucy Frazer at the residence of the UKREP

Supporting members at every stage of their career

We've now published '[Your professional body – the value of your membership](#)' aligned to the member offer. It clearly shows how we influence for impact and promote the profession. It also showcases the services we offer to support practice excellence, keep members up to date, and as a career companion. All new members will receive a copy in the post.

Bullying and sexual harassment in the legal profession

The International Bar Association is conducting a global survey on bullying and sexual harassment in the legal profession. To date there have been almost 4,000 responses from over 115 jurisdictions. The survey is anonymous, available in six languages and takes just 5-10 minutes to complete. It closes on the 26 October. You can access the survey [here](#). Every response is valuable and contributes to a better data set.

Some of our upcoming events are:

[Ethical Obligations of Lawyers During Major Incidents](#)

Explore the ethical obligations of lawyers during a major incident such as a terrorist attack or civic disaster.

[Careers: Preparing 2nd year trainee solicitors for qualification - Career planning tips for trainees approaching qualification](#)

This event will provide an opportunity for trainee solicitors, mulling their post-training contract options, to gain insight into the newly qualified (NQ) jobs markets from Husnara Begum, a career coach who specialises in offering guidance to final seat trainees who miss out on internal jobs.

[Supporting you remotely: Tips on how to make the most of your Law Society membership](#)

We are based in Chancery Lane and in Cardiff. Whether you are in a high street practice in York, a commercial firm in Derby, in-house in Cardiff, or elsewhere in England and Wales, as your professional body, we exist for you.

Supporting practice excellence

Practice notes

Summaries of all our practice notes are available to everyone without registration.

For example:

<https://www.lawsociety.org.uk/support-services/advice/practice-notes/accredited-legal-representatives-in-the-court-of-protection/>

Much of the content is readily accessible by clicking the drop down arrows.

To access the full note however, registration with My Law Society is required.

In order to gain a better understanding of who is using our content and how we can better serve them, we need to gather user data.

My Law Society is simple to sign on to, the more interests people tick, the better we can tailor what is presented, but all they need to give us is an e-mail address and a password. It is not a requirement to be a member of the Law Society, so the full notes are available to anyone who sets up a My Law Society account.

We encourage members to register with My Law Society through a wide range of communications, but also have on page prompts to encourage visitors to the practice note pages to register. We have nearly 50,000 users and this number grows every month.

We are in the process of developing a new website which will enable us to tailor which full notes are available to anyone registered and which are available only to members.

Pro bono cost orders explained

This webinar will explain what a Pro Bono Costs Order is, when and how you can apply for one and why it is important that you do. Pro Bono Costs Orders are similar to ordinary costs ordered, but exist where the client is being represented pro bono. This webinar will be for anyone who is involved in civil litigation where they act pro bono for part or the whole of a case.

Inquisitorial vs. Adversarial System Debate

Respective advantages and disadvantages of adversarial and inquisitorial systems and explore whether we should resist the drift towards a more inquisitorial approach.

Local media panels

We are trialling a new initiative in some of our regions, and we'd like our members to get involved. We're working with local media to help raise the profile of the important work solicitors do to assist people in their everyday lives and to help consumers understand their day-to-day legal needs. [Local media panels](#) will be set up in three areas of England and Wales.

As always, please feel free to share this update with your constituents unless otherwise specified.

Kind regards,

Christina

Christina Blacklaws
President

The Law Society, 113 Chancery Lane, London WC2A 1PL

twitter: @lawsocpresident

www.lawsociety.org.uk